

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONNIE PHILLIPS,)	
)	2:02-cv-1296-GEB-JFM-P
Plaintiff,)	
)	<u>TRANSMISSION TO PARTIES</u>
v.)	<u>OF TRIAL DOCUMENTS</u>
)	
TED SANCHEZ,)	
)	
Defendant. ¹)	
_____)	

The jury trial in this case commences at 9:00 a.m. on
August 15, 2006. Appended to this Order are tentative jury

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¹ The caption has been changed in accordance with the Order
filed March 26, 2004.

1 instructions,² voir dire, and a verdict form.

2 Dated: August 7, 2006

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4 /s/ Garland E. Burrell, Jr.
5 GARLAND E. BURRELL, JR.
6 United States District Judge
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24 ² Since the parties stipulated at the Trial Confirmation
25 Hearing held on January 13, 2006, that Defendant acted under
26 color of state law, that element has been omitted from closing
27 instruction number six. Further, no qualified immunity
28 instruction has been included since Defendant failed to include
it in his Pretrial Statement or the Pretrial Order. See Hotel
Emp., et al. Health Tr. v. Elks Lodge 1450, 827 F.2d 1324, 1329
(9th Cir. 1987) ("Issues not preserved in the pretrial order are
eliminated from the action.").